

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

MINNIE PEARL THOMAS,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

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Criminal Action No. 5:99-cr-45 (HL)
Civil Action No. 5:06-cv-18(HL)

ORDER

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge G. Mallon Faircloth entered January 18, 2006. Movant, Minnie Pearl Thomas, has not filed written objections to the Recommendation, as permitted by 28 U.S.C. § 636(b)(1).¹ The Magistrate Judge concluded that Thomas's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence, which was filed more than four years after her conviction became final, was time-barred. The Magistrate Judge further concluded that none of the exceptions to the one-year limitations period set forth in § 2255 would apply to Thomas's case. The Magistrate Judge recommended, therefore, that the Motion be denied.

The Court, having thoroughly considered the Recommendation, agrees with the Magistrate Judge that the Motion is time-barred and hereby accepts the Recommendation. The

¹ Thomas filed a Motion for Extension of Time on January 31, 2006, in which she requested an additional 90 days to prepare her objections to the Recommendation. The Magistrate Judge found that an additional 90 days was not warranted by the issues presented in the case and, therefore, on February 1, 2006, denied her request for an extension.

Motion to Vacate, Set Aside or Correct Sentence (Doc. 377) is hereby dismissed as barred by the statute of limitations.²

SO ORDERED, this the 12th day of April, 2007.

s/ Hugh Lawson
HUGH LAWSON, JUDGE

mls

² The Magistrate Judge recommended that the motion be denied. The Court prefers to dismiss § 2255 motions which are untimely because they fail to comply with the provisions of that Code Section and, therefore, are not properly before the Court for determination on the merits.